

Applicant: Darrel L. Turner
Application No.: 08/899,198
Art Unit: 3616

In the Claims:

1. (Amended) A rotary cutting blade comprising a boron steel blank raised through heat treatment to [of] a Rockwell C hardness of between 48 and 55 on the Rockwell Hardness Scale.

Please add the following new claim:

- ~~1. A mower comprising a rotary cutting blade formed of a boron steel blank raised through heat treatment to a Rockwell C hardness of between 48 and 55 on the Rockwell Hardness Scale, the blade being rotatably mounted for cutting action.--~~

REMARKS

Claims 1-3 remain pending in the application. In the Office Action dated January 29, 1998, the Claims were rejected under 25 U.S.C. 102(b) over the disclosure of *Trudeau*. New Claim 3 has been added directed to a mower incorporating a rotary cutting blade with he limitations of Claim 1.

Trudeau discloses a hydraulic concrete pile cutter having two opposed cutting plates, one of which is fixed and one of which is driven by two parallel actuators which drive the blade along a rectilinear path. Both blade plates "are preferably boron steel 15B30 heat treated to Rockwell C hardness 43 to 50." Col. 12, lines 48-49.

Trudeau does not disclose a rotary cutting blade such as the claimed invention. The preamble of Claim 1 is explicit that the article claimed is a *rotary cutting blade*. This preamble breathes life and breath into the claim, and must be given weight in examining the claim. A guillotine or scissors type cutting mechanism is not the same as a rotary cutting